

IN THE DRAWINGS

The attached sheet of drawings includes changes to Figs. 1, 4, 5, 7, 8, 9 and 11. This sheet, which includes Figs. 1, 4, 5, 7, 8, 9 and 11, replaces the original sheet including Figs. 1, 4, 5, 7, 8, 9 and 11.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-9 are pending, Claims 1, 2 and 4 having been amended, Claim 5 having been canceled without prejudice or disclaimer, and Claim 9 added by way of the present amendment. Support for Claim 9 is found in the original claims and the specification, especially the second embodiment discussed for example at page 7, lines 7-12 and Figures 9 and 10. Therefore, no new matter is added.

In the outstanding Office Action Claims 1-4 were rejected as being anticipated by D'Andrea (U.S. Patent No. 5,395,366); and Claims 5-8 were rejected as being unpatentable over D'Andrea in view of Sanderford (U.S. Patent No. 4,799,062).

In reply Claims 1, 2 and 4 have been amended to recite a position measuring unit that measures the position of the in vivo radio device based on one of phase differences of the vital information signals or the position measuring signals received by the ex vivo radio devices, and arriving directions of the vital information signals or the position measuring signals received by the ex vivo radio devices. Support for this amendment is found in the present specification for example at page 4, lines 22-28. Therefore no new matter is added. In contrast, D'Andrea is directed to a device in which multiple antenna are used to collect signals from the capsule radio signal transmitting means (column 4, lines 31-34). The location of the capsule is identified through geometric triangulation in combination with expert system based software.

It is believed that D'Andrea does not teach or suggest the use of a position measuring device that measures the position based on phase difference or direction of arrival of the vital information signals or the position measuring signals received by the ex vivo radio devices. Therefore, it is respectfully submitted that Claims 1, 2 and 4, as amended, patentably define over D'Andrea.

Claim 3 defines a position measuring system that includes an in vivo radio device that includes a receiver for receiving the position measuring signals. Furthermore, the in vivo radio device includes a position measuring unit for measuring the position of the in vivo radio device based on the receiving characteristics of the position measuring signals from the ex vivo radio devices. However, the feature of a position measuring unit in the in vivo radio device is not taught by D'Andrea. Therefore, Claim 3 patentably defines over D'Andrea.

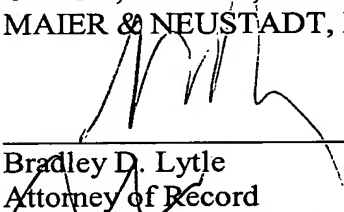
Claims 5-8 are rejected over the combination of D'Andrea in view of Sanderford. Sanderford is asserted for its disclosure of the use of time-of-arrival signals from a transmitter to a plurality of devices so as to identify the location of the transmitter. However, neither Sanderford nor D'Andrea teach or suggest the feature of having an in vivo radio device that includes the position measuring unit as claimed. Therefore, it is respectfully submitted that Claims 6, 7 and 8 patentably define over any combination of D'Andrea in view of Sanderford.

New Claim 9 is directed to a method of measuring a position of an in vivo radio device that includes a step of receiving the position measuring signals by the in vivo radio device and then measuring the position of the in vivo radio device based on the receiving characteristics of the position measuring signals received by the in vivo radio device. It is respectfully submitted that neither D'Andrea nor Sanderford teach or suggest this receiving step or measuring step as claimed and therefore new Claim 9 is believed to patentably define over the prior art.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that Claims 1-4 and 6-9, as amended, patentably define over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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